



# Town Of Summerfield Development Bulletin

# Variance Application

Case Number \_\_\_\_\_

To the Summerfield Board of Adjustment:

I, \_\_\_\_\_, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Development Ordinance because, under the interpretation given to me by the Enforcement Officer, I am prohibited from using the parcel of land described in the attached form (Application Cover Sheet) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the ordinance (cite section numbers):

\_\_\_\_\_ so that the property can be used in a manner indicated by the plot plan attached to the Application Cover Sheet or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein:

\_\_\_\_\_  
\_\_\_\_\_

### FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance: (1) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (2) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and (3) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

1. **THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS THAT WOULD RESULT FROM CARRYING OUT THE STRICT LETTER OF THE ORDINANCE.** The courts have developed four rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

a. If the applicant complies with the provisions of the ordinance, he/she can make no reasonable use of his/her property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property. (Note: Hardships suffered by the applicant in common with his/her neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance, if granted, runs with the property. The hardship results from the nature of the property, i.e. lot conditions.)

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\_\_\_\_\_  
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\_\_\_\_\_

c. The hardship results from the application of the ordinance to the property.

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d. The hardship is not the result of the applicant's own actions.

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2. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

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3. THE GRANTING OF THE VARIANCE ASSURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

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Applicant

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Address (street number, city, state, Zip code)

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail

Tax Map Parcel Number \_\_\_\_\_